

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 08-2106 AHM (MANx) EDCV 08-0603-AHM (MANx)✓	Date	June 10, 2008
Title	VA RANCHO MIRAGE I, INC., <i>et al.</i> v. CITY OF RANCHO MIRAGE, <i>et al.</i> CITY OF RANCHO MIRAGE v. V.A. RANCHO MIRAGE RESORT, LP		

Present: The Honorable	A. HOWARD MATZ, U.S. DISTRICT JUDGE
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Stephen Montes	Not Reported	
Deputy Clerk	Court Reporter / Recorder	Tape No.

Attorneys **NOT** Present for Plaintiffs:

Attorneys **NOT** Present for Defendants:

Proceedings: IN CHAMBERS (No Proceedings Held)

The Court has received the parties' Stipulation to Consolidate cases CV 08-2106 and EDCV 08-0603-AHM (MANx). The Court is inclined to deny approval of the stipulation and instead direct that the parties' respective claims be tried in the earlier-filed declaratory relief action, CV 08-2106-AHM (MANx). The City of Rancho Mirage filed the state court lawsuit (which was designated EDCV 08-603-AHM (MANx) after removal) on April 1, 2008, one day after it was served with summons and complaint in the earlier-filed federal action. Because these two actions involve identical parties and identical questions of law and fact (per the parties' Stipulation), the Court believes the City should assert its claims as counterclaims to the declaratory relief action, CV 08-2106-AHM (MANx). The Court thereby **ORDERS** the City of Rancho Mirage to **SHOW CAUSE** by June 17, 2008 why its claims in its removed action should not be asserted as counterclaims in this action and why thereafter the removed action should not be dismissed without prejudice. If the City does not oppose this course of action, it may file its claims as counterclaims to the declaratory relief action before June 18, 2008.

Initials of Preparer

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